

DECLARATION OF TONI MAREK IN
SUPPORT OF MOTION TO QUASH
SUBPOENA

United States Courts
Southern District
FILED

FEB 10 2025

Nathan Ocl
Clerk of Court

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

VICTORIA DIVISION

PHI THETA KAPPA HONOR SOCIETY,

Plaintiff,

v.

HONORSOCIETY.ORG, INC. AND HONOR SOCIETY FOUNDATION, INC.,

Defendants.

Case No. _____

DECLARATION OF TONI MAREK IN SUPPORT OF MOTION TO QUASH

SUBPOENA

I, Toni Marek, declare under penalty of perjury as follows:

1. My name is Toni Marek. I am over the age of 18, of sound mind, and competent to make this declaration. I submit this declaration in support of my Motion to Quash Subpoena and for Protective Order in this case. The statements in this declaration are based on my personal knowledge.
2. On November 27, 2024, an unknown man approached my vehicle while screaming my name. He did not identify himself as a process server, nor did he attempt to hand me any legal documents.
3. This individual then threw an object at my truck, causing me to feel threatened and fearful for my safety. Out of fear, I drove away. Immediately after I left, the man got into his vehicle and pursued me at a high rate of speed.

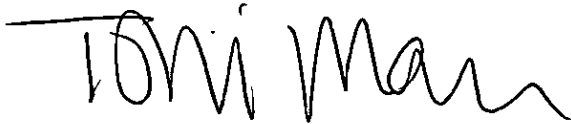
4. The Declaration submitted by PTK's process server is incorrect. I have video camera footage of this incident, which confirms that the process server never identified himself, threw an object at my truck, and then chased me in a vehicle at high speed. The video footage also confirms that I did not evade service but instead drove away out of fear for my safety.
5. A still image from the video has been submitted as Exhibit 5, with personally identifying and irrelevant information redacted, including my minor child's license plate number and vehicle make. I am prepared to provide the full video to the Court and PTK's counsel as needed.
6. PTK has repeatedly attempted to harass and intimidate me using legal threats. I have received multiple cease-and-desist letters and emails threatening monetary sanctions and prosecution. These emails are attached as Exhibit 4.
7. On December 27, 2024, I filed a Motion to Quash in the Southern District of Mississippi, the court where PTK's case was filed. On January 30, 2025, the Mississippi court ruled that it lacked jurisdiction over me and directed me to refile my motion in the appropriate court—Texas (Exhibit 1, Mississippi Court Order Dated January 30, 2025).
8. The Scheduling Order in the Mississippi case (Phi Theta Kappa Honor Society v. HonorSociety.org, Inc., No. 3:22-cv-208-CWR-RPM) set a discovery cutoff date of December 19, 2024. The May 7, 2024 Scheduling Order confirms this deadline and is attached as Exhibit 2.
9. PTK's subpoena should be quashed because it was improperly served, issued after discovery had closed, and is being used to harass and intimidate me, a non-party.

10. I respectfully request that this Court quash the subpoena, issue a protective order, and prevent PTK from further harassment and disclosure of my private information.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 6, 2025, in Victoria, Texas.

Respectfully submitted,

A handwritten signature in black ink that reads "Toni Marek". The signature is written in a cursive, flowing style with a horizontal line extending from the top of the first letter.

Toni Marek (Pro Se)

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EXHIBITS

EXHIBIT 1 – Mississippi Court Order Dated January 30, 2025

(Phi Theta Kappa Honor Society v. HonorSociety.org, Inc., No. 3:22-cv-208-CWR-RPM)

EXHIBIT 2 – May 7, 2024 Scheduling Order from the Mississippi Case

(Phi Theta Kappa Honor Society v. HonorSociety.org, Inc., No. 3:22-cv-208-CWR-RPM)

EXHIBIT 3 – Declaration of Rachel Smoot

(Docket No. 381, Response in Opposition to Motion to Quash, Ex. A - Declaration of Rachel Smoot)

EXHIBIT 4 – Emails from PTK and Jonathan Polak Threatening Sanctions & Prosecution

(Cease-and-desist letters and legal threats sent to Toni Marek)

EXHIBIT 5 – Still Image from Security Camera Video

(Confirming process server's conduct and incorrect claims of "evasion")